



March 22, 2007

TO: Transportation Authority of Marin Commissioners

FROM: Dianne Steinhauser, Executive Director

RE: Contract Extension for Nolte & Associates, Agenda Item 10

Dear Commissioners:

### **Executive Summary**

For the Puerto Suello Hill Highway 101 HOV project, the design of the multi-use path and sound absorbing soundwall are complete for advertising the project on April 4, 2006. However, there remains two outstanding issues that will be dealt with during construction via contract change orders. These include the final design of the east soundwall to include sound absorbing material by attaching the material to the existing soundwall; and compliance with Regional Water Quality Control Board permit requirements to treat storm water runoff for the multi-use path. Staff and the Nolte design team have been diligently pursuing resolution of these issues, however, were unable to resolve them in time for project advertisement. Staff will continue to work with Caltrans to resolve the issues during construction of the project. Resolution of these issues has also taken additional time and effort that was not originally anticipated or estimated and additional funds in the amount of \$100,000 are needed to complete this work.

In addition, TAM staff would like to retain the services of Nolte Associates, Inc. through construction to address any design related construction issues during construction of the project. This request includes a future commitment of project management funds assigned to Strategy 2- the Highway 101 Gap Closure- in the TAM Strategic Plan and an extension of the contract time through December 31st, 2008. Additional funds in the amount of \$150,000 are requested for this work. The work will be done, and therefore the funds will be expended, only on an as-needed basis, depending on issues that may arise during construction.

Finally, TAM staff would like to continue to retain the services of Hank Haugse, the Nolte project manager for the Crossing Guard contract and the local streets and roads program (Measure A Strategies 3 and 4), for a period of time to help transition TAM's new project Delivery Manager Bill Gamlen into this role. Hank has invaluable contacts with the Marin school community and a knowledge of previous communications that merit retaining his services. Additional funds in the amount of \$10,000 are requested for this work.

The previous addendums to the Nolte contract have taken the workscope up to the final packaging of the plans, specs, and estimates for advertising the project. This previous work was completed within budget. The new work being addressed here was not included in any previous addendums.

The total amount requested for the new scope of work is \$260,000. There are funds remaining from the expired Nolte project/program management element in the Nolte contract in the amount of \$284,397. These funds were approved as part of the FY 2006-07 budget. Staff is requesting that \$250,000 of these funds be transferred to the design task of the Nolte contract and that \$10,000 of these funds be used to for the staff transition work for Strategies 3 and 4.

**Recommendation: Approve the transfer of funds from the expired project/program management task of the Nolte contract to the design task in the amount of \$250,000 to fund the additional scope of work required to finalize the east soundwall design and RWQCB mitigation requirements. Approve \$10,000 for the transition of staff for Strategies 3 and 4. Extend the Nolte contract time of completion to December 31<sup>st</sup>, 2008.**

### Staff Report

Strategy 2 of the Measure A Expenditure Plan specifies the completion of a north-south bicycle way through Puerto Suello Hill to improve bicycle safety and the addition of sound absorptive soundwalls. Both the multi-use path and sound absorbing soundwalls will be included as elements of the Puerto Suello Hill segment of the Highway 101 GAP Closure Project (Segment 4).

As part of the on-call support services contract with Nolte Associates, Inc., the Nolte team has been providing on-going efforts to deliver the multi-use path and sound absorbing soundwall design and incorporate these features into the Caltrans Highway Project designed by Caltrans. The effort to include these project features has been on an accelerated schedule as to not delay the construction of the highway project. At this point in time, the design is essentially complete, however, there are two outstanding issues that will be addressed during construction and have required a level of effort above and beyond what was originally anticipated and estimated. These include the resolution of attaching a sound absorbing panel to the existing east soundwall and the mitigation requirement to treat storm water run-off which is a Regional Water Quality Control Board permit requirement for the multi-use path.

In addition, since Nolte is the designer of record for the bikepath, TAM needs to retain their services through construction to address design related construction issues during construction of the multi-use path and sound absorbing soundwall elements of the project which would require an extension of contract time. The current design element of the Nolte contract expires June 30, 2007. A contract time extension through December 31st, 2008 is requested.

To complete the above referenced tasks, a total of \$250,000 is required as follows:

Sound absorbing material – East soundwall	\$54,000
RWQCB mitigation	\$47,000
Construction Support	\$149,000
Total	\$250,000

Finally, since the completion of the Nolte project/program management tasks in December 2006, Staff has hired a new Project Delivery Manager. TAM staff would like to continue to retain the services of Hank Haugse, the Nolte project manager for the crossing Guard Program and the local streets and roads program (Measure A strategies 3 and 4), for a period of time to help transition staff into this role. An additional \$10,000 is estimated for this work.

The total amount requested for the additional scope of work is \$260,000. There are funds leftover from the Nolte project/program management task of the contract in the amount of \$284,397. Staff is requesting that \$260,000 of these funds be transferred to the design task of the Nolte contract and that \$10,000 of these funds be used to for the staff transition work for Strategies 3 and 4.

No additional budget authority or contract authorization is needed. Funds already allocated to the contract will be transferred from the project/program management task to the design task, with support for the Strategies 3 and 4 work as mentioned.

**Recommendation: Approve the transfer of funds from the expired project/program management task of the Nolte contract to the design task in the amount of \$250,000 to fund the additional scope of work required to finalize the east soundwall design and RWQCB mitigation requirements. Approve \$10,000 for the transition of staff for Strategies 3 and 4. Extend the Nolte contract time of completion to December 31st, 2008.**

Attachments: Fifth Addendum to Agreement  
Exhibit A – Scope of Services

## **FIFTH ADDENDUM TO AGREEMENT**

### **BY AND BETWEEN THE TRANSPORTATION AUTHORITY OF MARIN AND NOLTE ASSOCIATES, Inc., DATED March 24, 2005**

**THIS FIFTH ADDENDUM** is made and entered into this 22nd day of March, 2007, by and between the Transportation Authority of Marin, hereinafter referred to as “TAM,” and Nolte Associates, Inc., hereinafter referred to as “Contractor.”

#### **RECITALS:**

**WHEREAS**, TAM and the Contractor entered into an agreement for On Call Support Services dated March 24, 2005 (“Agreement”); and a First Addendum on October 27, 2005; and a Second Addendum on January 26, 2006; and a Third Addendum on May 25, 2006 and a Fourth Addendum on October 26, 2006.

**WHEREAS**, the parties desire to amend the Agreement to provide a continuation of design services and design support during construction as needed and extend the contract completion date to December 31<sup>st</sup>, 2008 for the north-south bicycle way through Puerto Suello Hill and addition of sound-absorptive materials on soundwalls in the Segment 4, 101 Gap Closure Project. In addition, the parties desire to provide a continuation of project management support services for Measure A Strategies 3 and 4 in order to transition new TAM staff.

**WHEREAS**, funds in the amount of \$260,000 will be transferred from the project management task to the design services task to cover the cost for the continuation of design services and design support during construction.

**NOW, THEREFORE**, the parties agree to modify agreement as set forth below.

#### **AGREEMENT:**

1. Except as otherwise provided herein all terms and conditions of the agreement shall remain in full force and effect.
2. Item 1. SCOPE OF SERVICES is hereby amended to read as follows: “Contractor agrees to provide all of the services described in **Exhibit “A – Addendum 5”** attached hereto and by this reference made a part hereof.
3. Item 6. CONTRACT PERFORMANCE TIME: All the work required by this Contract and its associated addendums shall be completed and ready for acceptance no later than December 31<sup>st</sup>, 2008.”
4. An amount of \$250,000 shall be transferred from the original project management task to the design services task.

**IN WITNESS WHEREOF**, the parties hereto have executed this Fifth Addendum on the day first written above.

**“TAM”**

**“CONTRACTOR”**

**TRANSPORTATION AUTHORITY OF  
MARIN**

**By:**

Chair

**By:**

Thomas G. Kurkijian  
Nolte Associates, Inc.

**TRANSPORTATION AUTHORITY OF MARIN  
STANDARD SHORT FORM PERSONAL/PROFESSIONAL SERVICES  
CONTRACT**

Exhibit A – Addendum 5  
SCOPE OF SERVICES

Nolte Associates, Inc. (Contractor) provides consulting services to the Transportation Authority of Marin (TAM) for services described in Exhibit A to original contract, entered into on March 24, 2005. On October 27, 2005, Addendum 1 was approved and January 26, 2006, Addendum 2 was approved and May 25, 2006, Addendum 3 was approved and October 26, 2006 Addendum 4 was approved. The addendums added additional on-call services for the environmental clearance and design of the bike/ped path over Puerto Suello Hill and soundwall sound absorptive treatment to be constructed as part of the Segment 4 101 Gap Closure Project.

The original contract term ended on June 30, 2006 and Addendum 3 extended the contract term to December 31, 2006. Addendum 5 extends the contract term to December 31st, 2008. Services to be provided are described below:

Tasks 100-400 (Additional Tasks)

1. Additional design effort for applying sound absorbing material to the east soundwall.
2. Additional design effort for research and design of alternative sites to meet Regional Water Quality Control Board permit requirements for storm water.
3. Design support during construction.
4. Project Management support for Strategies 3 and 4 to transition new TAM staff.